

2002-160

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The Council
City of Shreveport

JOHN DAVID STEWART
CITY COUNCIL - DISTRICT 16

October 18, 2002

Ms. Katherine Y. Nielson
Louisiana Board of Ethics
2415 Quail Drive
Third Floor
Baton Rouge, LA 70808

Re: Ordinance

Dear Kat:

Thank you for the opportunity to visit and the pleasure of making your acquaintance by telephone. Based on my notes I am providing an explanation and information for your consideration, direction and review. Please contact me when you have had an opportunity to review the letter. I am happy to assist further in any manner.

My summary of the situation, circumstances, and relationships is as follows:

1. The matter before the City Council was an appeal from a decision of the Metropolitan Shreveport Zoning Board of Appeals (ZBA), case BAC-68-02, Plaza Investments III, L.L.C., 600 Market Street. The applicant was requesting a Special Exception Use in a B-4 District for a lounge with consumption of alcoholic beverages on the premises. The ZBA approved the application, and that decision was appealed to the City Council. The City Council voted 7-0 to reverse the decision of the ZBA and deny the application.
2. Information forwarded for your review dated September 26, 2002 was a result of a discussion with Ms. Julie Glass, Assistant City Attorney for the Shreveport City Council and Mr. Arthur G. Thompson, Clerk of the Shreveport City Council. A copy of the statute, R.S. 42:1120, from Ms. Glass indicated that I could vote on

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this particular matter because of the relationships that I had with all interested parties. This vote was based on all objective information I received from all parties involved.

3. Mr. F. Keith Todaro, President of M. L. Bath Company has been a friend and business acquaintance of mine for over 10 years. Our agency has done business with M. L. Bath Company since its formation in 1950. Mr. Todaro requested in 2001 that I review his commercial insurance based on difficulties with the existing insurance company. I furnished his commercial insurance for property and casualty purposes with expanded coverages, recommendations and a superior contractual agreement at a significant savings. This business came from Mr. Todaro's request for assistance. Due to the close proximity of the proposed establishment Mr. Todaro **was against** granting the zoning variance for a liquor-dispensing establishment.
4. Mr. Andrew M. Taft, Director of the Downtown Development Authority, et al has been a personal friend since his appointment to this position. Subsequent to his appointment he moved to a home in our neighborhood and is situated one block from our home as well as my Insurance/City Council office. Mr. Taft has been a personal friend and insured since his arrival in Shreveport. Our agency has provided commercial insurance on various parts of the Downtown Development Authority and Downtown Shreveport Unlimited since its formation in the 1970's. Mr. Taft was also **opposed to the granting of this variance.**
5. Mr. David Harter and Dr. Tobin Grigsby are friends and clients who own the building directly east across Market Street from the applicant's proposed establishment. Dr. Grigsby and I have known each other since grade school. Mr. Harter and I have been acquainted for over 10 years. They are developing 229 Milam into condominiums and contacted me approximately 3 years ago concerning assistance. Dr. Grigsby and Mr. Harter **were opposed to the granting of this variance** due to the close proximity to their condominium project and the fact that families would be living within a matter of yards from this establishment.
6. Mr. George M. Brewer is an acquaintance. His daughter, Mary, contacted me concerning insurance on the applicant. She and the applicant, Mr. Gentry Gamble, were acquainted and worked together. Her request for

insurance was not a result of solicitation. They needed assistance on a timely basis. We provided liability insurance on the property in order to allow them to move forward with their efforts to develop the property. This policy was written at the request of the client and without solicitation from the Agency. Mr. Gamble, owner of the proposed establishment was desirous of securing the variance approval so that he could open this business.

7. I have been a dues paying member of Downtown Shreveport Unlimited and its affiliated groups since its formation in the 1980's. I served as President and Vice-President of Downtown Shreveport Unlimited during this period of time.
8. The requested copy of the application and the land use report are included for your review. This request addressed the retail location to dispense alcoholic beverages and could generally be described as a "bar".
9. When I realized the numerous relationships I spoke personally with Mr. Arthur G. Thompson and Ms. Julie Glass concerning my ability to vote. The statute provided by Ms. Glass with a copy to Mr. Thompson indicated that I could cast my vote subject to an objective decision making process based on the numerous relationships. With that information in hand I cast a vote against the application. The vote made by the Shreveport City Council on September 24, 2002 to deny the application was 6 for and one against. The ZBA decision was thus reversed and the application denied by a majority.

I have always made certain during the past 11 years that I have served on the City Council to determine in each instance my ability to vote subject to the laws of the State of Louisiana and the rules of the Council and in good conscience with the oath of office. I raised the question of recusing myself from the vote based on the involvement of all parties. When I spoke to Ms. Glass she indicated there was a provision in the statute for considering my responsibilities and casting a vote. Based on the written information that I requested, I felt and still feel that the decision was objective based on all facts and was in no way in conflict with my responsibilities.

Thank you for your consideration and review of this request. The letter forwarded by facsimile to Mr. Thompson, dated September 26, 2002 is enclosed for your review. As requested I have attested below to the truthfulness of the facts and the basis for

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this decision. I declare and attest that the foregoing information is the truth.

WITNESSES:

Kanda L Chappell

Andy Davis

John David Stewart
JOHN DAVID STEWART

PARISH OF CADDO

STATE OF LOUISIANA

SWORN TO AND SUBSCRIBED before me, the undersigned authority, by the aforesaid JOHN DAVID STEWART, known to me to be the person who attested to the facts stated herein, on this the 18th day of October, 2002.

Mimi Y. Floyd
Mimi Y. Floyd, Notary Public
In and for Caddo Parish,
Louisiana

My Commission is for LIFE.

Enclosures